

SIGNATURE: _____

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E-Filed on June 8, 2010

7 **UNITED STATES BANKRUPTCY COURT**

8 **DISTRICT OF NEVADA**

9 In re:) Chapter 13
10) Case No. 08-10905-bam
11 **NEILS CHRISTIANSEN**)
12 **ELIZABETH BRYANT-CHRISTIANSEN**)
13 Debtor(s).) DATE: 6/29/2010
14 TIME: 1:30 p.m.

13 **OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY**

14 COMES NOW, the Debtors, NEILS CHRISTIANSEN and ELIZABETH BRYANT-
15 CHRISTIANSEN, by and through their attorneys, NARRAH F. NEWARK of NEWARK &
16 NEWARK LAW FIRM, and respectfully requests this Court to deny the MOTION FOR
17 RELIEF FROM THE AUTOMATIC STAY filed by WELLS FARGO BANK NA, by and
18 through its attorneys, GREGORY L. WILDE of WILDE & ASSOCIATES and TIFFANY &
19 BOSCO.

20 **POINTS AND AUTHORITIES**

21 11 USC Section 362 (d) (1) states that the Court may terminate, modify or condition
22 stay

23 "for cause, including the lack of adequate protection of an
24 interest in property of such party in interest;---

25 11 USC Section 362 (d) (2) the Court may terminate, modify or condition a stay

26 "with respect to a stay of an act against property under
27 subsection (a) of this section, if-

28 (A) the debtor does not have an equity in such
property AND

(B) such property is not necessary to an effective reorganization

STATEMENT OF FACTS

Debtors' property has liens of approximately \$197,491.49 for the property located at 171 Ember Street, Pahrump, NV 89048, and the home is necessary for an effective reorganization. Debtors believes that they have minimal equity in the property.

11 USC Section 362 (d) (1) may apply as:

1. Debtors acknowledge that if they are late on the post petition mortgage payments, they will need some time to acquire the necessary funds to cure all post-petition arrearages.

2. Debtors advise that recent payments have been made on this account and request an accounting of their post-petition payments to see where the funds were applied.

3. Debtors would like to enter into an Adequate Protection Order and propose the following:

a. Make the July payment timely; and

b. Pay any arrears over six months beginning July 20, 2010.

4. Debtors are beginning the process of a loan modification with the lender and are waiting for the original packet to fill out and return. However, Debtors' intention is to stay current on future post-petition mortgage payments.

THEREFORE, Debtors request that the motion filed be denied under 11 USC Section (d) (1) or (2), and that any action on creditor's behalf be stayed for an adequate amount of time to allow Debtors to become current on the post petition mortgage arrearages, if necessary, and/or to Stipulate to an Order Re Adequate Protection.

Respectfully submitted:

NEWARK & NEWARK

By: /s/ NARRAH F. NEWARK
NARRAH F. NEWARK, ESQ.
NB#008201
Attorney for Debtor(s)

**CERTIFICATE OF MAILING OF OPPOSITION TO MOTION
FOR RELIEF FROM AUTOMATIC STAY**

I hereby certify that on June 8, 2010, I faxed and mailed a true and correct copy
by facsimile and by first class mail, postage prepaid, to the below named the OPPOSITION
TO MOTION FOR RELIEF FROM AUTOMATIC STAY:

WF Bank
c/o Greg Wilde, Esq.
Wilde & Associates
208 S. Jones
Las Vegas, NV 89107
VIA FACSIMILE & ECF

Rick Yarnall, Trustee
701 E Bridger #820
Las Vegas, NV 89101
VIA ECF

Neils Christiansen
Elizabeth Bryant-Christiansen
171 Ember Street
Pahrump, NV 89048

/s/ Betsy L. Smith
An employee of NEWARK & NEWARK LAW FIRM